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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,673	06/26/2003	John Michael Rozmus	ROZM001	5199

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John Michael Rozmus
12641 Pony Express Drive
Knoxville, TN 37922

EXAMINER

JOHNSON, CARLTON

ART UNIT	PAPER NUMBER
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2136

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/607,673	ROZMUS ET AL.	
	Examiner	Art Unit	
	Carlton Johnson	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) 1-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 39-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3-1-2006/8-18-2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responding to application papers filed **6-26-2003**.
2. Claims **39 - 63** are pending. Claims **1 - 38** have been canceled. Claims **39, 48, 56** are independent.
3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims **39, 48, 56** are rejected under 35 U.S.C. 112, second paragraph, 37 CFR 1.75(a), as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicant regards as the invention.

Claims **39, 48, 56** refer to the term "*minimal*", which is an indefinite term with no clear and precise meaning. The Examiner is interpreting "*minimal*" as if the term were not present. Appropriate action is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 103(a) that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United

Art Unit: 2192

States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims **39 - 41, 43, 44, 48 - 50, 52, 53, 56, 60, 62, 63** are rejected under 35 U.S.C. 103(a) as being anticipated by **Barry et al.** (US Patent No. **6,615,258**) in view of **Hughes** (US Patent No. **6,957,330**).

Regarding Claim 39, Barry discloses a method for applying personal information in the use of public data services comprising:

- a) verifying a user's identity, (see Barry col. 4, lines 34-40: authenticate or verify a user's identity; col. 14, lines 2-4: single sign-on for access to services)

Barry discloses wherein user input and locations on a public network where said user input is used, connection information with user's identity (see Barry col. 8, lines 52-58: information or records attached to user's entitlement based on user's identity), storage and retrieval of information accessible on a public network (see Barry col. 4, lines 29-33: public accessible network, Internet; col. 18, lines 30-36: distributed database for storage of services management), and whereby personal information needed to use public data services may be recalled with minimal maintenance burden. (see Barry col. 8, lines 54-58; col. 54, lines 31-35; col. 54, lines 45-49: user information stored within cache for rapid and easy access with minimal maintenance burden) Barry does not explicitly disclose creating one or more new records.

However, Hughes discloses:

- b) creating one or more records, (see Hughes col. 4, lines 31-33: produce or create data set(s) or record(s) for usage)
- c) connecting said records with said user's identity, (see Hughes col. 3, lines 29-31: data set(s) or record(s), attachment to user's identity previously defined)
- d) storing said records so that they are accessible on a network, (see Hughes col. 4, lines 12-17; col. 4, lines 37-40: storage of data set(s) or record(s)) and
- e) retrieving at least one of said records, whereby personal information needed to use public data services may be recalled with minimal maintenance burden.
(see Hughes col. 6, line 65 - col.7, line 3: access information or retrieving of data set(s) or record(s))

It would have been obvious to one of ordinary skill in the art to have modified Barry as taught by Hughes to enable the generation or records, and storage of data sets or records for secure storage and retrieval. One of ordinary skill in the art would have been motivated to employ the teachings of Matyas in order to enable the capability to securely store information, flexibility in controlling access to information, and access group membership modifiable without a requirement for access to storage device. (see Hughes col. 1, lines 20-23: "*... ability to store secure information on one or more untrusted storage devices that allows flexibility in controlling access to the information. Access should be permitted based on combinations of client groups. Membership in these groups should be modifiable*

without requiring access to the storage device containing the encrypted information
... “)

Regarding Claims 40, 49, Barry discloses including entry of some or all of the user input that has been retrieved and decrypted. (see Barry col. 4, lines 48-54: user interface for entry of user input; col. 8, lines 44-48; col. 8, lines 50-52: encryption and decryption capabilities for messaging information during network communications)

Regarding Claims 41, 50, Barry discloses creating records comprising user input and locations on a public data network where said user input is used includes creating records comprising Web service sign-on procedures and Uniform Resource Locators. (see Barry col. 4, lines 33-35: logon or sign-on procedures for web services; col. 13, lines 61-65: URL addressing utilized for location of services or application server)

Regarding Claims 43, 52, Barry discloses creating records comprising user input and locations on a public data network where said user input is used includes creating records comprising recorded user input sequences and Uniform Resource Locators. (see Barry col. 4, lines 48-54: user interface for user input or request; col. 13, lines 61-65: URL addressing utilized for location of services or application server)

Regarding Claims 44, 53, Barry discloses creating records comprising user input and locations on a public data network where said user input is used includes creating

records comprising directly entered user input sequences and Uniform Resource Locators. (see Barry col. 4, lines 48-54: user interface for user input or request; col. 13, lines 61-65: URL addressing utilized for location of services or application server)

Regarding Claim 48, Barry discloses a method for applying personal information in the use of public data services comprising:

- a) verifying a user's identity, (see Barry col. 4, lines 34-40: authenticate or verify a user's identity)

Barry discloses wherein comprising user input and locations on a public data network where said user input is used (see Barry col. 4, lines 29-33: public network, Internet; col. 8, lines 50-58: message or input and information or records stored within cache storage), connecting the encrypted records with said user's identity, (see Barry col. 8, lines 52-58: information or records attached to user's entitlement or identity), storing said encrypted records so that they are accessible on a public data network, retrieving at least one of said encrypted records, (see Barry col. 8, lines 54-58; col. 54, lines 31-35; col. 54, lines 45-49: user information stored in a cache for rapid and easy access), and decrypting (see Barry col. 8, lines 50-52; decryption utilized) some or all of the encrypted records that have been retrieved, whereby personal information needed to use public data services may be recalled with minimal maintenance burden and a high degree of privacy. (see Barry col. 8, lines 54-58; col. 54, lines 31-35; col. 54, lines 45-49: user information stored in a

cache for minimal maintenance burden, encryption for privacy) (see Barry col. 18, lines 30-36: distributed database) Barry does not explicitly disclose creating one or more new records.

However, Hughes discloses:

- b) creating records, (see Hughes col. 4, lines 31-33: produce or create data set(s) or record(s) for usage)
- c) encrypting said records, (see Hughes col. 4, lines 31-33; col. 6, lines 53-55: encrypting data set(s) or record(s))
- d) connecting the encrypted records with said user's identity, (see Hughes col. 3, lines 29-31: data set(s) or record(s), attachment to user's identity previously defined)
- e) storing said encrypted records so that they are accessible on a public data network, (see Hughes col. 4, lines 12-17; col. 37-40: storing data set(s) or record(s))
- f) retrieving at least one of said encrypted records, (see Hughes col. 6, line 65 - col.7, line 3: access information or retrieving of data set(s) or record(s)) and
- g) decrypting some or all of the encrypted records that have been retrieved. (see Hughes col. 6, line 65 - col. 7, line 3; col. 3, lines 10-14: decrypting data set(s) record(s))

It would have been obvious to one of ordinary skill in the art to have modified Barry as taught by Hughes to enable the generation and storage of data sets or records for secure storage and retrieval. One of ordinary skill in the art would have

been motivated to employ the teachings of Matyas in order to enable the capability to securely store information, flexibility in controlling access to information, and access group membership modifiable without a requirement for access to storage device. (see Hughes col. 1, lines 20-23)

Regarding Claim 56, Barry discloses a computing system for applying personal information in the use of public data services comprising:

- a) a client processor comprising software (see Barry col. 6, lines 44-45: client; col. 6, lines 55-65: software implementation) which creates records comprising user input and locations on a public data network where said user input is used (see Barry col. 4, lines 29-33: public network, Internet; col. 8, lines 50-58: message or input and information or records stored within cache storage), and software (see Barry col. 6, lines 44-45; col. 6, lines 55-65: software implementation) which connects said records with a user's identity, (see Barry col. 8, lines 52-58: information or records attached to user's entitlement or identity)
- b) a server processor comprising software which verifies said user's identity, software (see Barry col. 6, lines 44-45: server; col. 6, lines 55-65: software implementation) which stores said records, and software which retrieves one or more of said records when requested, (see Barry col. 54, lines 45-49: retrieve user entitlement information to determine user access based on request)
- c) a public network (see Barry col. 4, lines 43-40: public network, Internet) providing communication between said server processor and said client

processor, whereby personal information needed to use public data services may be recalled with minimal maintenance burden. (see Barry col. 8, lines 54-58; col. 54, lines 31-35; col. 54, lines 45-49: cache for recall of service information with minimal maintenance burden)

It would have been obvious to one of ordinary skill in the art to have modified Barry as taught by Hughes to enable the generation and storage of data sets or records for secure storage and retrieval. One of ordinary skill in the art would have been motivated to employ the teachings of Matyas in order to enable the capability to securely store information, flexibility in controlling access to information, and access group membership modifiable without a requirement for access to storage device. (see Hughes col. 1, lines 20-23)

Regarding Claim 60, Barry discloses wherein software (see Barry col. 6, lines 44-45; col. 6, lines 55-65: software implementation) which creates records comprising user input and locations on a public data network where said user input is used includes software which associates one or more pairs of Web service sign-on procedures and Uniform Resource Locators. (see Barry col. 4, lines 33-38: web service logon or sign-on procedures; col. 13, lines 61-65: URL addressing utilized for services or application server)

Regarding Claim 62, Barry discloses wherein software (see Barry col. 6, lines 44-45; col. 6, lines 55-65: software implementation) which creates records comprising user

Art Unit: 2192

input and locations on a public data network where said user input is used includes software which associates one or more pairs of recorded user input sequences and Uniform Resource Locators. (see Barry col. 54, lines 31-35: map user input within cache with application server or service; col. 13, lines 61-65: URL addressing utilized for services or application server)

Regarding Claim 63, Barry discloses wherein software (see Barry col. 6, lines 44-45; col. 6, lines 55-65: software implementation) which creates records comprising user input and locations on a public data network where said user input is used includes software which associates one or more pairs of directly entered user input sequences and Uniform Resource Locators. (see Barry col. 4, lines 48-54: user interface for directly entered input, request/response; col. 13, lines 61-65: URL addressing utilized for services or application server)

7. Claims **42, 51, 61** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Barry-Hughes** and further in view of **Nambiar et al.** (US PG PUB No. **20020128977**).

Regarding Claims 42, 51, Barry discloses the method of claims 39 and 48 wherein creating records comprising user input and locations on a public data network where said user input is used includes creating records comprising Web service entry data and Uniform Resource Locators. (see Barry col. 4, lines 29-33: public network,

Internet; col. 8, lines 50-58: message input of information or records stored; col. 13, lines 61-65: URL addressing utilized for location of services or application server)

Barry does not specifically disclose the processing of purchase order type information or entry records. However, Nambiar discloses wherein creating records comprising Web service purchase order entry data. (see Nambiar paragraph [0028], lines 1-8: web service provided by server; paragraph [0020], lines 3-10; paragraph [0020], lines 14-18; paragraph [0024], lines 6-13: purchase order, obtain and process information required to complete purchase)

It would have been obvious to one of ordinary skill in the art to have modified Barry as taught by Nambiar to enable the capability to process purchase order records for computerized transactions. One of ordinary skill in the art would have been motivated to employ the teachings of Nambiar in order to enable the completion of a more safe, secure, and expedient computerized transaction. (see Nambiar paragraph [0002], lines 1-7: “ ... *a method and system for conducting a more secure and efficient computer-facilitated transaction. Specifically, this invention implements an improved user authentication process, to facilitate a more safe, secure and expedient computerized transaction. ...* ”)

Regarding Claim 61, Barry discloses the computing system of claim 56 wherein software (see Barry col. 6, lines 44-45; col. 6, lines 55-65: software implementation) which creates records comprising user input and locations on a public data network where said user input is used includes software which associates one or more pairs of

Web service entry data and Uniform Resource Locators. (see Barry col. 14, lines 4-8: associate application or service with public interface, URL address; col. 13, lines 61-65: URL addressing utilized for location of services or application server) Barry does not specifically disclose the processing of purchase order type information or entry records. However, Nambiar discloses wherein Web service purchase order entry data. (see Nambiar paragraph [0028], lines 1-8: web service provided by server; paragraph [0020], lines 3-10; paragraph [0020], lines 14-18; paragraph [0024], lines 6-13: purchase order, obtain and process information required to complete purchase)

It would have been obvious to one of ordinary skill in the art to have modified Barry as taught by Nambiar to enable the capability to process purchase order records for computerized transactions. One of ordinary skill in the art would have been motivated to employ the teachings of Nambiar in order to enable the completion of a more safe, secure, and expedient computerized transaction within a network environment. (see Nambiar paragraph [0002], lines 1-7)

8. Claims **45, 57** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Barry-Hughes** and further in view of **Matyas et al.** (US PG PUB No. **6,947,556**).

Regarding Claims 45, 57, Barry and Matyas combination discloses verifying a user's identity comprises entry of a passphrase. (see Matyas col. 13, lines 28-32: authentication server; col. 12, lines 36-41: passphrase authentication procedure utilized)

It would have been obvious to one of ordinary skill in the art to have modified Barry as taught by Matyas to enable the utilizing of a passphrase for authentication. One of ordinary skill in the art would have been motivated to employ the teachings of Matyas in order to enable mechanisms for providing secure file and secure file access. (see Matyas col. 1, lines 20-23: “ ... awareness among the public as to the privacy of digitally stored data, much attention has been focused on mechanisms for providing secure files and/or file access. ... ”; col. 1, lines 53-55: “ ... methods, systems and computer program products which provide for controlling access to digital data in a file by encrypting the data ... ”)

9. Claims **46, 47, 54, 55, 58, 59** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Barry-Hughes** and further in view of **Sands et al.** (US PG PUB No. **20040148526**).

Regarding Claims 46, 54, Barry discloses the method of claims 39, 48 wherein verifying a user's identity comprises checking data. (see Barry col. 4, lines 34-40: verify user identity based on entered logon entry) Barry does not specifically disclose the capability to check data on a portable device for user authentication. However, Sands discloses wherein verifying a user's identity comprises checking data on a portable memory device possessed by said user. (see Sands paragraph [0013], lines 1-8: biometric data; paragraph [0049], lines 8-12: portable device or smart card utilized to authenticate with biometric data)

It would have been obvious to one of ordinary skill in the art to have modified Barry as taught by Sands to enable the usage of biometric data obtained from a portable device utilized for user identification. One of ordinary skill in the art would have been motivated to employ the teachings of Sands in order to enable the implementation of a flexible authentication policy allowing the authentication procedures to be altered based on security conditions. (see Sands paragraph [0019], lines 4-8: “ ... *authentication policy is flexible and allows the biometric authentication procedure implemented at any given computer or location within the network to be altered based on security conditions.* ... ”)

Regarding Claims 47, 55, Barry discloses the method of claims 39, 48 wherein verifying a user's identity. (see Barry col. 4, lines 34-40: verify user identity based on entered logon entry) Barry does not specifically disclose the comparison of one or more physical characteristics of biometric data on a portable device. However, Sands discloses wherein verifying a user's identity comprises comparing one or more of the physical characteristics of said user to biometric data stored on a portable memory device possessed by said user. (see Sands paragraph [0007], lines 1-7; paragraph [0008], lines 1-7; paragraph [0013], lines 1-8: biometric data; paragraph [0024], lines 1-7: physical characteristics utilized for biometric data)

It would have been obvious to one of ordinary skill in the art to have modified Barry as taught by Sands to enable the usage of biometric data obtained from a user's physical characteristics utilized for authentication. One of ordinary skill in the art

Art Unit: 2192

would have been motivated to employ the teachings of Sands in order to enable the implementation of a flexible authentication policy allowing the authentication procedures to be altered based on security conditions. (see Sands paragraph [0019], lines 4-8)

Regarding Claim 58, Barry discloses the computing system of claim 56 wherein software which verifies said user's identity. (see Barry col. 6, lines 44-45; col. 6, lines 55-65: software implementation; col. 4, lines 34-40: verify user identity based on entered logon entry) Barry does not specifically disclose the capability to check data on a portable device for user authentication. However, Sands discloses wherein verification of said user's identity checks data on a portable memory device possessed by said user. (see Sands paragraph [0013], lines 1-8: biometric data; paragraph [0049], lines 8-12: portable device or smart card utilized to authenticate with biometric data)

It would have been obvious to one of ordinary skill in the art to have modified Barry as taught by Sands to enable the usage of biometric data obtained from a portable device utilized for user identification. One of ordinary skill in the art would have been motivated to employ the teachings of Sands in order to enable the implementation of a flexible authentication policy allowing the authentication procedures to be altered based on security conditions. (see Sands paragraph [0019], lines 4-8)

Regarding Claim 59, Barry discloses the computing system of claim 56 wherein software which verifies said user's identity. (see Barry col. 6, lines 44-45; col. 6, lines 55-65: software implementation; col. 4, lines 34-40: verify user identity based on entered logon entry) Barry does not specifically disclose the comparison of physical characteristics of biometric data on a portable device. However, Sands discloses wherein verification of said user's identity includes software which compares one or more of the physical characteristics of said user to biometric data stored on a portable memory device possessed by said user. (see Sands paragraph [0013], lines 1-8: biometric data; paragraph [0049], lines 8-12: portable device or smart card utilized to authenticate with biometric data)

It would have been obvious to one of ordinary skill in the art to have modified Barry as taught by Sands to enable the usage of biometric characteristics for user authentication. One of ordinary skill in the art would have been motivated to employ the teachings of Sands in order to enable the implementation of a flexible authentication policy allowing the authentication procedures to be altered based on security conditions. (see Sands paragraph [0019], lines 4-8)


Conclusion

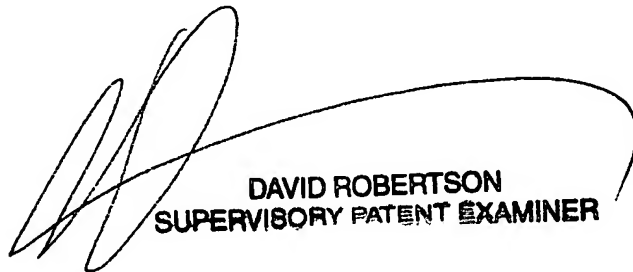
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlton Johnson whose telephone number is 571-270-1032. The examiner can normally be reached Monday through Friday from 8:00AM to 5:00PM.

Art Unit: 2192

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Robertson, can be reached on 571-272-4186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Carlton Johnson
September 4, 2006


DAVID ROBERTSON
SUPERVISORY PATENT EXAMINER